

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CORNING INCORPORATED and
ARTIFICIAL SENSING INSTRUMENTS
ASI AG,

Plaintiffs,

v.

SRU BIOSYSTEMS, LLC, SRU
BIOSYSTEMS, INC., and SRU
BIOSYSTEMS HOLDINGS, LLC,

Defendants.

Civil Action No. 04- CV-11724-GAO

[Subpoena for Case No. 03-663-JJF in
the District of Delaware]

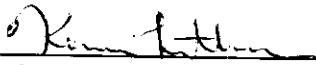
**CORNING INCORPORATED'S NOTICE OF ORDER AND MEMORANDUM
ISSUED ON AUGUST 13, 2004 BY THE DELAWARE DISTRICT COURT**

Enclosed as Exhibit 1 please find an Order and Memorandum Opinion issued on August 13, 2004, by the Delaware District Court in the underlying action denying a motion by SRU seeking reconsideration of the Court's Order granting Corning's motion to compel SRU to produce documents related to Becton Dickinson's offer to purchase SRU, that was filed with this Court on July 8, 2004. During the May 12, 2004 oral argument on Corning's Petition to Enforce its subpoena against Becton Dickinson, this Court indicated that it believed this motion pending in Delaware was relevant to the issues before it and requested that copies of the motion papers be provided to the Court. This was done on May 13, 2004. The Delaware Court's granting of Corning's Motion and now denying reconsideration is an express indication that the Delaware Court believes that documents related to Becton Dickinson's bid for SRU are relevant to the issues in the case. Accordingly, Corning respectfully renews its request that this Court order Becton Dickinson to produce the documents sought by Corning's subpoena as the documents have been determined to be relevant to the case and only this Court can provide the relief

Corning seeks with respect to the documents that are not in SRU's possession and, thus, not subject to the Delaware Court's order.

Respectfully submitted,

Date: August 17, 2004


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CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing CORNING INCORPORATED'S NOTICE OF ORDER AND MEMORANDUM ISSUED ON AUGUST 13, 2004 BY THE DELAWARE DISTRICT COURT to be served upon counsel for Discovery Labware, a division of Becton Dickinson and Company, and Defendants on August 17, 2004 in the manner indicated below:

By First Class Mail:

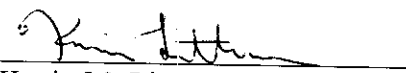
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